

**Form I-129S Public Comments**  
**Summary of Comments During the 60-Day Comment Period and Responses**

I-129S Form		
<i>Section/Part/ Number</i>	<i>Comment ID #</i>	<i>Comment and USCIS Response</i>
General Comment on the L-1 Blanket Visa		<p><b>Comment:</b> The commenter feels that the regulations concerning the L-1 Blanket visa make it too easy for terrorists to enter the United States, and that foreign companies should not be able to transfer their employees to the United States. The commenter states that the L-1 Blanket visa should be discontinued.</p> <p><b>Response:</b> USCIS infers that the commenter does not believe that this form and its related program or immigration benefit are necessary for the proper performance of the functions of the agency. USCIS is not considering whether or not to terminate the program, which exceeds the scope of a revision of a currently approved information collection. because this commenter requested no changes to the Form I-129S, USCIS will make no any changes as a result of this comment.</p>
General Comment on the Form and Instructions	USCIS- 2006-0050	<p><b>Comment:</b> The commenter noted that the proposed form and instructions are double the length of the existing form and will take twice as long for stakeholders to complete.</p> <p><b>Response:</b> The increase in the number of pages primarily results from formatting changes to make the document easier to read. Expanded explanations in the instructions include relevant and necessary content to help all interested parties understand how to complete the form. Additional filing tips are also located on our website at: <a href="http://www.uscis.gov">www.uscis.gov</a>.</p>
General Comment on the Form	USCIS- 2006-0050	<p><b>Comment:</b> The commenter asks that USCIS cease adding lengthy certifications and acknowledgements to this and other forms, and asks USCIS to review whether the intended goals of the certifications and acknowledgments can be met with more concise language that is less burdensome.</p> <p><b>Response:</b> USCIS is reviewing the certifications and acknowledgments on this form and the I-129.</p>
Form Page 1, above Section 1	USCIS- 2006-0050	<p><b>Comment:</b> The commenter suggests that the block at the top of the page be labelled “For U.S. Government Use Only” as opposed to the current “For USCIS Use Only.”</p> <p><b>Response:</b> USCIS will implement this change.</p>
Form Page 1, Part 1	USCIS- 2006-0050	<p><b>Comment:</b> The commenter requests that the form and instructions be amended to more clearly state which entity’s address is being requested.</p> <p><b>Response:</b> USCIS has changed the title of this section from “Sponsoring Company’s or Organization’s Physical Address” to “Petitioner’s Physical Address.”</p>

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Form Page 1, Part 1, Sponsoring Company's or Organization's Contact Information	USCIS-2006-0050	<p><b>Comment:</b> The commenter recommends adding fields for the name and title of the petitioner's authorized signer.</p> <p><b>Response:</b> USCIS will not add these fields due to form space limitations.</p>
Form Page 2, Part 1, Sponsoring Company's or Organization's Employees in the United States	USCIS-2006-0050	<p><b>Comment:</b> The commenter recommends changing the questions relating to number of employees to refer to "Sponsoring Company or Organization" in order to clarify which workforce is applicable.</p> <p><b>Response:</b> USCIS has changed the language in this section to consistently refer to the "petitioner," i.e., the organization completing the Form I-129S.</p>

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Form Page 2, Part 2, Information about the Beneficiary	USCIS-2006-0050	<p><b>Comment:</b> The commenter makes several suggestions regarding this section:</p> <ul style="list-style-type: none"> <li>• Duplication of biographic information from Form DS-160 for forms filed with DOS – the commenter notes that this is a burden to petitioners</li> <li>• The commenter suggests that for those seeking entry at a POE or filing with USCIS for an extension could use an appendix to Form I-129S</li> <li>• The commenter indicates that it believes that the regulations do not allow for the concurrent filing of Form I-129 with Form I-129S.</li> </ul> <p><b>Response:</b> For the first two comments above, USCIS’s collection of this biographic data for adjudicative purposes is independent of DOS collection of the same data. As such, USCIS will not be creating an appendix to Form I-129S.</p> <p>With regards to the concurrent filing of Form I-129 and Form I-129S, USCIS has reviewed the pertinent regulations and concluded that Form I-129S is to be filed in addition to, and not in lieu of, the Form I-129 and L Supplement. Form I-129 is used for extensions of stay in, and changes of status to, employment-based nonimmigrant visa classifications. The Form I-129S does not collect all of the information necessary for an extension of stay or change of status request.</p>
Page 3, Part 3	USCIS-2006-0050	<p><b>Comment:</b> The commenter asks that a checkbox be added to indicate that the place of employment is the same as the addresses given in Part 1</p> <p><b>Response:</b> USCIS does not believe that this would add efficiency, since two additional boxes would be necessary here.</p>
Page 3, Part 3, Proposed employment start and end dates	USCIS-2006-0050	<p><b>Comment:</b> The commenter asks that the instructions be modified to authorize petitioners to request a five-year period of intended employment.</p> <p><b>Response:</b> USCIS will take this suggestion under consideration for a future revision to Form I-129S but is unable to accommodate this change in the current revision. This proposal will also need to be evaluated in conjunction with Department of State and U.S. Customs and Border Protection.</p>
Page 3, Part 3, Wages per Week	USCIS-2006-0050	<p><b>Comment:</b> The commenter suggests that Question 6 be changed to allow the petitioner specify wages per week or per year. Also, the commenter asks for an additional field to allow the petitioner to describe other compensation.</p> <p><b>Response:</b> USCIS has changed question 6 to “wages per year,” and added a box for “other compensation.”</p>

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Page 3, Part 3, Proposed Job Title and Duties	USCIS-2006-00550	<p><b>Comment:</b> The commenter requests an edit to the language requesting “the percentage of time the beneficiary will spend performing the duties on a daily basis.”</p> <p><b>Response:</b> USCIS does not agree with this recommendation as the percentage of time spent on duties assists the officer with determining eligibility.</p>
Page 3, Part 3, Prior Periods of Stay in the United States	USCIS-2006-0050	<p><b>Comment:</b> The commenter believes this section to be overbroad, and states that the importance of prior stays in the United States in other nonimmigrant classifications is not clear.</p> <p><b>Response:</b> USCIS will not be making changes in response to this comment as the dates of all stays in the United States are crucial in adjudicating the beneficiary’s required one year of employment abroad.</p>
Page 3, Part 3, Primary Worksite	USCIS-2006-0050	<p><b>Comment:</b> The commenter suggests a change to the language regarding offsite work.</p> <p><b>Response:</b> USCIS has changed the language from “at a worksite of an employer other than the petitioner...” to “at a worksite of a company or organization other than the petitioner...”.</p>
Page 4 Part 4, Information about Foreign Employment	USCIS-2006-0050	<p><b>Comment:</b> The commenter states that the form is overly burdensome by seeking information on each qualifying foreign employer for whom the beneficiary worked.</p> <p><b>Response:</b> The form requests information on “each qualifying foreign employer for whom the beneficiary worked during the required one continuous year out of three years.” Therefore, the form does not request information on the beneficiary’s foreign employment beyond the required three-year period.</p>
Form Page 5, Part 6	USCIS-2006-0050	<p><b>Comment:</b> The commenter believes that the Petitioner’s Statement uses the first person singular “I” which relates to the authorized signer rather than the company or organization filing the petition, and asks that the certification be rewritten to clarify that it is the company or organization which is responsible for the material presented in the petition.</p> <p><b>Response:</b> In response to the comment, USCIS has changed the language on the form which prefaces the signature to “Signature of the Authorized Signatory for the Petitioner,” and requests contact information for the “Authorized Signatory for the Petitioner.”</p>
Form Page 5, Part 6	USCIS-2006-0050	<p><b>Comment:</b> The commenter objects to the wording of the Petitioner’s Certification allowing USCIS to access “any and all of my records that USCIS may need” as being overbroad, and requests the language to be changed.</p> <p><b>Response:</b> The Petitioner’s Certification has been updated and now states, in part: “I authorize the release of any information from my records, or from the petitioning organization’s records, that USCIS needs to determine eligibility for the immigration benefit sought.” USCIS’ collection, use, and dissemination of information is consistent with the Fair Information Practice Principles (FIPPS) derived from the Privacy Act and has been published in the required System of Records Notices (SORNs) which detail how information may be used by the agency.</p>

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Form Page 7, Part 8	USCIS-2006-0050	<p><b>Comment:</b> The commenter objects to the length and wording of the Preparer’s Certification, and states that the regulations already require preparers to attest to the veracity of representations made on the form. The commenter also believes that the certification goes beyond USCIS authority and dictates a review procedure between attorneys and their clients.</p> <p><b>Response:</b> USCIS has clarified that language to remove the requirement for a review of all answers provided while maintaining the requirement that the signatories are assuring DHS as to the source and completeness of the information provided on and with the form.</p>
Form Page 8, Part 9	USCIS-2006-0050	<p><b>Comment:</b> The commenter notes that this section should more clearly refer to the beneficiary when requesting name and A-Number.</p> <p><b>Response:</b> USCIS has made changes to the form to refer to the beneficiary.</p>

I-129S Form Instructions		
<i>Section/Part/Number</i>	<i>Comment ID #</i>	<i>Comment and USCIS Response</i>
Instructions Page 1	USCIS-2006-0050	<p><b>Comment:</b> The commenter “commends the proposed change to the instructions recognizing the validity of an original, photocopied, faxed, or scanned copy of a handwritten signature.”</p> <p><b>Response:</b> USCIS thanks the commenter for the comment on acceptable signatures.</p>
Instructions Page 2	USCIS-2006-0050	<p><b>Comment:</b> The commenter requests that “N/A” or a blank space be considered acceptable for all negative responses on the form.</p> <p><b>Response:</b> USCIS believes that the instructions are clear and reasonable and is not making further changes.</p>
Instructions Page 3, Items 14-16	USCIS-2006-0050	<p><b>Comment:</b> The commenter feels that the instructions should not request a description of the amount of time a supervisor spends controlling and supervising the work of an offsite employee.</p> <p><b>Response:</b> Although the language on the form requests a description of “how” an offsite beneficiary’s work will be controlled and supervised, the amount of time spent by a supervisor doing these things is an element of “how” supervision and control is accomplished. As such, USCIS will not be making changes to the instructions based on this comment.</p>

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Instructions Page 5, Section 1.B	USCIS-2006-0050	<p><b>Comment:</b> The commenter requests that the instructions relating to submission of the form to DOS clarify that the Fraud Prevention and Detection Fee need only be collected on initial L-1 applications.</p> <p><b>Response:</b> USCIS will not be making changes based on this comment as the comment refers to internal DOS processes, which are outside of the scope of USCIS.</p>
Instructions Page 7, Address Change	USCIS-2006-0050	<p><b>Comment:</b> The commenter requested that the instructions be clarified to indicate that the beneficiary must notify USCIS of a change of address.</p> <p><b>Response:</b> USCIS has changed the instructions accordingly.</p>